
OLR Bill Analysis

sHB 6581

AN ACT MAKING REVISIONS TO MOTOR VEHICLE STATUTES.

SUMMARY:

This bill makes a number of changes to motor vehicle laws. Among other things, it:

1. increases fines for using a cell phone or texting while driving and imposes additional penalties for texting while driving a commercial motor vehicle (§§ 55- 57);
2. requires school bus operators to remove a driver from a school bus within 48 hours, rather than 10 days, after learning that the Department of Motor Vehicles (DMV) has suspended or revoked his or her license or school bus endorsement (§ 45);
3. bars school buses, except in limited circumstances, from driving in the far left lane of limited access highways (§ 42);
4. imposes license suspensions on certain drivers who repeatedly commit certain traffic violations (§ 58);
5. ends the distribution of handicapped license plates (except for motorcycles) but allows people who already have them to renew them (§ 43);
6. allows servicemen and women serving abroad to obtain driver's licenses and non-driver ID cards (§15);
7. requires certain driving tests to be given in certain languages, other than English and Spanish (§ 12);
8. eliminates the ability of certain drivers whose Connecticut license has been suspended because of certain motor vehicle convictions in other states from asking DMV to reverse or reduce

the suspension, eliminates the commissioner's authority to suspend the license of people charged with a felony, and makes related changes (§ 32);

9. requires new and used car dealers to sell vehicles that meet state emissions standards (§ 37); and
10. makes it a crime to operate a driving school or teach people to drive, for pay, without the appropriate licenses (§§ 28 and 29).

It also increases, from \$10 to \$15, the amount of money remitted to municipalities for certain motor vehicle violations in those towns; requires DMV to conduct a privatization study; allows DMV to change the renewal notification process for registrations, licenses and other documents; authorizes DMV to contract with independent contractors for some services; and makes other substantive and conforming changes.

EFFECTIVE DATE: Various, see below

§ 1 — NOTIFICATION OF EXPIRING ID CARDS

The bill allows, rather than requires, the DMV commissioner to notify non-driver ID card holders when an ID card is going to expire. The commissioner will not notify an ID card holder when the U.S. Postal Service determines mail is not deliverable to him or her at the address in DMV records. (If the commissioner does choose to notify ID card holders, § 16 of this bill requires her to do so at least 15 days before the card is due to expire.)

EFFECTIVE DATE: July 1, 2011

§§ 2 & 3 — CONFORMING CHANGES

These sections make conforming changes.

EFFECTIVE DATE: July 1, 2011

§ 4 — DMV CONTRACTS WITH INDEPENDENT CONTRACTORS

The bill authorizes the commissioner to contract with independent contractors to provide programs and services on behalf of DMV,

provided that the contracts specify that the contractors may charge DMV customers a reasonable service fee from which the contractor will be paid. The commissioner must set the fee.

EFFECTIVE DATE: July 1, 2011

§ 5 — DMV RECORDS AND PERSONAL INFORMATION

The bill requires anyone seeking personal information from DMV registration records to provide the commissioner with personal identification she finds satisfactory, rather than two forms of acceptable identification.

By law, the DMV commissioner may disclose personal information from DMV records in certain circumstances. Under current law, municipal police officers, state troopers, and others may submit a written request to the commissioner asking that she make only their business address, rather than their home address, available to the public. The bill also allows all police officers, including certain constables, special police officers, and any member of a law enforcement unit who performs police duties, to make this request.

EFFECTIVE DATE: July 1, 2011

§ 6 — VEHICLES ELIGIBLE FOR REGISTRATION THROUGH DEALERSHIPS

The bill broadens the type of vehicles licensed motor vehicle dealers can register. By law, the commissioner may appoint licensed motor vehicle dealers to issue new registrations for motor vehicles, motorcycles, campers, camp trailers, and trucks with a gross vehicle weight of up to and including 26,000 pounds. The bill also allows licensed dealers to issue new registrations for commercial trailers and service and school buses. It eliminates the weight limit on trucks, allowing dealers to issue new registrations for any size truck. It makes conforming changes regarding registration fees.

By law, a commercial trailer is a trailer used by a business to carry freight, materials, or equipment. Service buses are vehicles designed and regularly used to carry at least 10 passengers without charge, not

including vanpool vehicles and school buses.

EFFECTIVE DATE: July 1, 2011

§ 7 — MOTOR VEHICLE RENTAL COMPANY LICENSES

Motor vehicle rental companies must have a DMV license to conduct their business. Under current law, the commissioner must mail these companies a license renewal form at least 45 days before the license expires. The bill instead allows the commissioner to send or transmit the renewal application as she deems appropriate. As under current law, she must do so at least 45 days before the license expires.

EFFECTIVE DATE: July 1, 2011

§ 8 — EXPERIMENTAL TESTING OF MOTOR VEHICLES

By law, the commissioner may issue special number plates to automotive equipment manufacturers for motor vehicles used to test this equipment. The bill allows her to also issue such plates to motor vehicle manufacturers testing motor vehicles. Manufacturers must include information on these vehicles when they apply for the plates.

EFFECTIVE DATE: July 1, 2011

§ 9 — MOTOR VEHICLE REGISTRATION RENEWALS

The bill allows the commissioner to send or transmit, as she deems appropriate, an application to renew motor vehicle registrations. Under current law she must send the renewal form by mail. As under current law, she must notify vehicle owners at least 45 days before the current registration expires. She may also send or transmit, as she deems appropriate, rather than mail, an application for renewal of leased vehicle to the lessees. Under the bill, the commissioner will not notify any registrant or car lessee if the U.S. Postal Service has determined that mail cannot be delivered to that person at the address in DMV records. Current law requires a registrant or lessee to return the renewal application to DMV by mail in most cases. The bill also authorizes the commissioner to require them to return the renewal application electronically.

EFFECTIVE DATE: July 1, 2011

§ 10 — COMMERCIAL MOTOR VEHICLE REGISTRATION AND FINES

The bill bars commercial vehicles required to be registered in another state from operating in Connecticut without that registration. Current law already bars commercial vehicles eligible for registration on an “apportionment” basis from operating in Connecticut without either that registration or a DMV-issued 72-hour trip permit registration. “Apportioned” registration fees are based on registration in a vehicle’s home state and fees paid to other jurisdictions based on the distance the vehicle travels there.

Fines for any commercial vehicles that violate this law are based on vehicle weight. Under current law, trucks with a gross weight of more than 60,000 pounds are subject to fines of \$1,000 for a first violation of this law and fines of between \$2,000 and \$4,000 for each subsequent violation. The bill specifies that these fines are based on the vehicles’ gross vehicle weight rating, rather than their gross weight. By law, gross vehicle weight rating is a vehicle’s maximum loaded weight, as specified by the manufacturer.

EFFECTIVE DATE: July 1, 2011

§ 11 — MOTOR CARRIERS

The bill bars any private motor carrier (truck companies) from operating vehicles in the state if (1) the Federal Motor Carrier Safety Administration (FMCSA) has (a) ordered it to stop operating or (b) revoked a new carrier’s US Department of Transportation number for operating on or after the effective date of an out-of-service order or (2) a motor carrier is operating without operating authority or beyond the scope of that authority under FMCSA regulations.

It subjects violators to fines of between \$500 and \$1,000 and imprisonment for up to 90 days for a first offense, and fines of between \$1,000 and \$2,000 and imprisonment for up to one year for subsequent offenses.

EFFECTIVE DATE: July 1, 2011

§ 12 — WRITTEN DRIVER’S TESTS

The bill allows the commissioner to give a written driver’s test for a class D (noncommercial) license in any form she deems appropriate, including in written, electronic, or audio form. She must give the test in English, Spanish, and any language spoken at home by at least 1% of the state’s population, based on the most recent U.S. census. Current law already requires certain written tests to be in English and Spanish. According to the 2000 census, other languages spoken at home by at least 1% of the state population age five and older are French, Italian, Polish, and Portuguese.

EFFECTIVE DATE: Upon passage

§ 13 — CONFORMING CHANGES

This section makes conforming changes.

EFFECTIVE DATE: October 1, 2011

§ 14 — EMPLOYEES DRIVING IN VIOLATION OF LICENSE CLASSIFICATION

The bill prohibits employers from knowingly requiring or permitting an employee acting in the scope of his or her employment from driving a commercial motor vehicle in violation of the employee’s license classification. Commercial motor vehicles include trucks, buses, and certain vehicles transporting hazardous waste. Commercial driver’s licenses (CDL) are classified as either “A”, “B”, or “C” depending on a vehicle’s weight and type. Employers who violate the bill are subject to maximum civil penalties of \$1,000 for a first violation and \$2,500 for subsequent violations.

EFFECTIVE DATE: July 1, 2011

§ 15 — DRIVER’S LICENSES FOR STATE RESIDENTS ON ACTIVE MILITARY DUTY

The bill allows a state resident in the U.S. Armed Forces stationed outside the U.S. on active military duty to get a driver’s license or non-

driver's ID card as long as he or she (1) does not have, or surrenders, a license or ID card from another state, U.S. territory, or possession; (2) has a current Army Post Office or Fleet Post Office mailing address; (3) designates his or her home address as 60 State Street, Wethersfield, CT 06161 (DMV's central office); and (4) meets all other requirements for getting a license or ID card. Residence in Connecticut must be reflected in the records of the U.S. Defense Department, Department of Homeland Security, or a department that oversees the U.S. Coast Guard.

EFFECTIVE DATE: October 1, 2011

§ 16 — LICENSE AND ID CARD RENEWAL NOTICE

Current law requires the commissioner to notify the holder of a driver's license at least 15 days before it is due to expire. The bill allows, rather than requires, her to notify a license holder of the expiration date in a manner she determines and also allows her to do the same for holders of non-driver ID cards. If she does notify the license and card holders, she must do so at least 15 days before the license or card expires. Under the bill, the commissioner will not notify any license or ID card holder if the U.S. Postal Service determines it can no longer deliver mail for the person to the address in DMV records.

It delays for two years, from July 1, 2011 to July 1, 2013, the start of vision screening tests at every other driver's license renewal.

It authorizes automobile clubs and associations, which already can renew licenses and ID cards, to also issue duplicate licenses and ID cards. The clubs and associations can charge a fee of up to \$2 for each duplicate. They may already charge this fee for the renewals. The bill also makes technical changes.

EFFECTIVE DATE: Upon passage

§ 17 — PHOTO IDENTIFICATION OF DRIVERS AGE 65 OR OLDER

The bill eliminates the commissioner's ability to waive the requirement that a driver's license for people age 65 or older include a

photograph. Under current law she may waive this requirement if the operator asks for the waiver in writing and shows evidence of hardship, such as living too far from a DMV office.

EFFECTIVE DATE: Upon passage

§ 18 — APPROPRIATE LICENSE ENDORSEMENTS

The bill eliminates a redundant provision and specifies that endorsements for the operation of various vehicles must bear the appropriate endorsement.

EFFECTIVE DATE: July 1, 2011

§ 19 — CONFORMING CHANGES

This section makes conforming changes.

EFFECTIVE DATE: July 1, 2011

§ 20 — COMMERCIAL DRIVER'S LICENSE RENEWALS

By law, the commissioner must notify CDL holders at least 15 days before their licenses expire. The bill allows her to notify them in a manner she determines and exempts her from notifying any CDL holder if the U.S. Postal Service has determined mail cannot be delivered to the person at the address in DMV records.

EFFECTIVE DATE: Upon passage

§ 21 — REINSTATEMENT OF CDL HOLDERS DISQUALIFIED FOR LIFE

By law, the commissioner may disqualify for life CDL holders who commit two or more of certain offenses, including driving under the influence (DUI). Disqualified drivers cannot drive a commercial motor vehicle.

By law, CDL holders disqualified for life (except those disqualified for using a motor vehicle to commit a felony involving making, distributing, or dispensing a controlled substance) may apply for reinstatement if they (1) have voluntarily enrolled in and successfully completed, an appropriate rehabilitation program and (2) served at

least 10 years of the disqualification period. The bill requires the applicant to provide documentation satisfying the commissioner that the applicant has both voluntarily enrolled in, and successfully completed, the rehabilitation program and that the program meets state statutory and regulatory requirements.

The bill prohibits the commissioner from reinstating a CDL holder disqualified for life unless the applicant requests an administrative hearing and provides evidence that the reinstatement does not endanger the public safety or welfare. Such evidence must include proof the applicant has not been convicted of any offense involving alcohol, a drug, or a controlled substance for 10 years following the date of his or her most recent lifetime disqualification. If a driver disqualified for life is reinstated and later convicted of another disqualifying offense, he or she is permanently disqualified and ineligible for further reinstatement.

The bill requires the commissioner to maintain, for 55 years, a record of certain offenses by commercial vehicle operators and CDL holders. These include (1) certain offenses, including DUI, evading responsibility, or using a motor vehicle to commit a felony, if the offense occurred on or after December 29, 2006; (2) each of two or more of certain offenses that occur within 10 years of each other and result in a lifetime disqualification; and (3) conviction of using a motor vehicle to commit a felony involving the manufacture, distribution, or dispensing of a controlled substance, if the offense occurred on or after January 1, 2005.

The bill doubles the minimum penalty for a CDL holder who violates an out-of-service order (see BACKGROUND) from 90 to 180 days for a first violation and from one to two years for a second violation committed within 10 years of a previous violation. The maximum penalties remain unchanged.

Drivers who violate an out-of-service order are subject to a fine of between \$1,100 and \$2,750, the same penalties as under federal law. The bill conforms these penalties to the federal regulations as amended

(49 CFR § 383.53), so that the state penalties will change as the federal penalty does.

EFFECTIVE DATE: July 1, 2011

§ 22 — COMMERCIAL MOTOR VEHICLE REGISTRATION FEES

Current law charges registration fees for commercial motor vehicles based on each 100 pounds the vehicle weighs. The bill instead bases these fees on each 1,000 pounds the vehicle weighs. This increases the fee in some cases.

EFFECTIVE DATE: October 1, 2011

§ 23 — LATE FEES FOR APPORTIONED REGISTRATIONS

Certain interstate commercial vehicles must pay apportioned registration fees in Connecticut that include this state's registration fee and registration fees for other jurisdictions based on the distance they travel there. The bill requires the commissioner to charge a \$150 late fee to people who fail to renew these registrations within five days after they expire.

EFFECTIVE DATE: July 1, 2011

§ 24 — VARIOUS DMV FEES

Under current law, the commissioner may charge \$30 for each duplicate of a driver's license. The bill also allows her to charge this amount for each duplicate of a non-driver ID card. But it requires the commissioner to charge only \$5 for one duplicate license or ID card issued to a license or card holder when he or she turns 21 years old. Under the bill, a "duplicate" is a license or ID card re-issued before the previous card or license expires. It must either be identical to the most recently issued license or card or include modifications to one or more items of information that appears on the most recently issued license or card.

The bill authorizes the commissioner to charge \$20 for each document from a motor vehicle record that DMV keeps electronically. It eliminates obsolete language pertaining to fees charged for searches

and copies of accident reports. By law (PA 90-143), DMV no longer receives these reports.

EFFECTIVE DATE: July 1, 2011

§ 25 — DEALER LICENSE EXPIRATION AND RENEWAL

The bill allows the commissioner to send or transmit, in a manner she determines, a license renewal application to holders of a new car, used car, repairer, or limited repairer license. Under current law, she must mail the application. As under current law, she must send or transmit the renewal application at least 45 days before the current license is due to expire.

EFFECTIVE DATE: Upon passage

§ 26 — TEMPORARY REGISTRATION TRANSFER

The bill broadens the types of vehicles for which licensed motor vehicle dealers and repairers may issue temporary registration transfers. Under current law, licensed dealers and repairers who sell or trade passenger cars, motorcycles, campers, camp trailers, or trucks weighing up to and including 26,000 pounds may issue a 60-day temporary registration transfer to someone who holds a current registration for these vehicles. The bill allows dealers and repairers who sell or trade commercial trailers, service buses, and school buses to do this. It eliminates the 26,000- pound weight limit for trucks, so that a dealer or repairer selling or trading any size truck may also these issue temporary transfers.

EFFECTIVE DATE: October 1, 2011

§ 27 — MANUFACTURERS' REGISTRATIONS

By law, the commissioner may issue motor vehicle registrations with the same distinguishing number to manufacturers. Under current law, these registrations expire annually, and, except for commercial registrations, may be renewed for \$35. Commercial registrations for manufacturers currently cost one-half the fee charged for the maximum gross weight of the registered vehicle on which the number is used.

Under the bill, these registrations expire biennially, and, except for commercial registrations, may be renewed for \$140 for the two-year period. The bill doubles the commercial registration fee so that it is the same as the fee charged for the maximum gross weight of the registered vehicle. Because this fee is charged biennially, the effective registration fee for commercial vehicles does not increase.

The bill requires the manufacturer to furnish proof of financial responsibility that satisfies the commissioner. But the commissioner need not require this proof if she finds the manufacturer is financially able to meet its legal liability.

EFFECTIVE DATE: July 1, 2011

§ 28 — OPERATING A DRIVING SCHOOL

Under current law, the commissioner must check state and national criminal history records and the state child abuse and neglect registry when people seek a license, or to renew a license, to operate a driving school. She must consider these in determining whether to issue or renew a license. The bill eliminates the need to run these checks, or make such a determination, when people seek to renew a license. It makes operating a driver's school without a license a class B misdemeanor, punishable by a fine of up to \$1,000 and up to six months in prison.

EFFECTIVE DATE: July 1, 2011

§ 29 — ILLEGAL DRIVING INSTRUCTORS

The bill makes it a class B misdemeanor for anyone without a driving instructor's license to (1) teach people to drive, for pay or (2) teach driving at a driving school. A class B misdemeanor is punishable by a fine of up to \$1,000 and up to six months in prison.

EFFECTIVE DATE: July 1, 2011

§ 30 — DISPLAYING LIGHTS ON MOTOR VEHICLES

Under current law, no one can display certain lights on a vehicle without a special permit from the commissioner. Current law allows

the Department of Transportation (DOT) to get a permit from the DMV commissioner for multiple vehicles without having to place a copy of the permit in each vehicle displaying the lights. The bill eliminates this provision and instead allows vehicles (1) owned or leased by the U.S. government, the state, or a municipality; (2) registered to that governmental entity; and (3) displaying government plates, to display these lights without a permit.

EFFECTIVE DATE: Upon passage

§ 31 — ETCHING SERVICES

The bill eliminates a requirement that new and used car dealers and lessors annually file rate schedules for etching and parts marking with DMV. But they still must submit a rate schedule and may amend it from time to time.

EFFECTIVE DATE: July 1, 2011

§ 32 — DRIVER'S LICENSE RESTORATION

The bill eliminates the ability of a person whose Connecticut license has been suspended by the DMV for certain motor vehicle convictions in other states to ask the commissioner to reverse or reduce the suspension.

Under current law, the commissioner may suspend or revoke a registration certificate or operator's license and may seize the item if the registration or license holder does not return it. The bill eliminates the requirement that a license holder return the license to the commissioner and the commissioner's ability to seize it. It authorizes the commissioner to restore a revoked or suspended license, rather than physically return it.

It eliminates the commissioner's authority to (1) suspend the driver's license of people charged with a felony or for whom there is an outstanding warrant for failing to appear on a felony charge and (2) require a motor vehicle owner or operator to file a surety bond before the commissioner returns a suspended or revoked registration or license. It also eliminates a requirement that the commissioner notify

certain municipal and police officials when she revokes or suspends a license or registration of someone living in their city or town.

EFFECTIVE DATE: October 1, 2011

§ 33 — COMMERCIAL MOTOR VEHICLE FILINGS

Current law requires owners of certain commercial motor vehicles to file with the commissioner, at least twice annually, evidence that he or she meets the legal security requirements for the vehicle. The bill reduces the filing requirement to at least once annually and eliminates a requirement that at least once every two years the owner also must furnish DMV a motor carrier identification report that meets federal requirements.

EFFECTIVE DATE: July 1, 2011

§ 34 — EXEMPTION OF OLDER VEHICLES FROM EMISSIONS TESTING

By law, motor vehicles manufactured “twenty-five or more years ago” are exempt from emissions testing. The bill defines “twenty-five or more years old,” when used in connection with a motor vehicle, to mean that the difference between the vehicle’s model year and the current calendar year is at least 25 years.

EFFECTIVE DATE: July 1, 2011

§ 35 — EMISSIONS SYSTEM RESTORATION PERIOD

The law requires car owners to maintain their vehicle’s emissions control system in good working order and prohibits them from rendering the system inoperable. It allows the commissioner to revoke the registration of anyone who does not restore the system to operating condition within 30 days after the commissioner notifies him or her that they are violating this law. The bill doubles, to 60 days, the time the car owner has to restore the system to working order.

EFFECTIVE DATE: October 1, 2011

§ 36 — EMISSIONS RE-INSPECTION LATE FEE

By law, the commissioner may impose a \$20 late fee on anyone who does not have his or her vehicle inspected within 30 days after the end of its assigned inspection or re-inspection period. The law also allows anyone whose vehicle fails its initial emissions test to return within 60 days for a free re-inspection.

The bill extends the grace period during which someone may bring a vehicle in for re-inspection and conforms it to the 60 day period for the free re-inspection, by requiring the commissioner to impose a late fee when someone fails to have a car re-inspected within 60 days of a test failure.

Under current law, the commissioner may waive the \$20 late fee if she finds that failure to have the vehicle inspected within 30 days of the assigned inspection or re-inspection period was because of an emergency. The bill instead specifies that she may waive the fee if she finds that this was the reason the vehicle owner failed to have the vehicle inspected within 30 days of the assigned inspection period or during the 60 day re-inspection period.

EFFECTIVE DATE: October 1, 2011

§ 37 — DEALERS TO SELL VEHICLES THAT MEET EMISSIONS STANDARDS

The bill prohibits licensed new and used motor vehicle dealers, and licensed repairers and limited repairers, from selling a motor vehicle that does not meet state emissions standards. A violation is an infraction, except that for a first offense the fine is \$50.

EFFECTIVE DATE: October 1, 2011

§ 38 — VEHICLE LIENS

The bill allows the DMV commissioner to require that certain notifications regarding security interests be sent to DMV electronically.

The law requires most holders of a security interest in a vehicle, upon satisfaction of the interest (e.g., after a car owner pays off a car loan), to release the security interest and mail or deliver the release and

certificate of title to the next lien holder or the vehicle owner. Current law requires the owner (unless it is a dealer holding the vehicle for resale) promptly to mail or deliver the certificate and release to the commissioner, who must release the lien holder's rights on the certificate or issue a new one. The bill instead allows the commissioner to require that the lien holder send its release of the security interest to DMV electronically.

By law, the commissioner may keep an electronic title file. If a lien holder's security interest is kept in that file, the lien holder, once the security interest is satisfied, must release the security interest and mail, deliver, or electronically send the release to the next lien holder or owner. Under current law, the commissioner must issue a certificate of title and present or mail it to the owner or second lien holder, if any. The bill instead allows the commissioner to require the first lien holder to send DMV information about the release of the security interest electronically.

The law requires that, on the satisfaction of a security interest in a vehicle where the title is held by a prior lien holder, the lien holder whose security interest is satisfied must execute its release and deliver it to the owner. The bill requires him to also deliver or send the release electronically to the prior lien holder. Current law requires the lien holder holding the title to either (1) deliver the certificate to the owner for delivery to the commissioner, or, (2) on receiving the release, mail or deliver it with the certificate of title to the commissioner, who must release the subordinate lien holder's rights on the certificate or issue a new one. The bill instead requires the lien holder holding the title to deliver it to the owner and allows the commissioner to require a subordinate lien holder to send DMV information about the release of its security interest electronically.

EFFECTIVE DATE: July 1, 2011

§ 39 — CONFORMING CHANGES

This section makes conforming changes.

EFFECTIVE DATE: October 1, 2011

§ 40 — ALCOHOL AND DRUG ADDICTION TREATMENT PROGRAM

By law, certain people whose license is suspended for DUI must take part in an alcohol and drug addiction treatment program. Under current law, such an individual may ask the commissioner to waive this requirement if he or she (1) is already participating in, or has completed such a program, and (2) a licensed physician states, based on a personal examination, that the individual does not have a current addiction problem that affects his or her ability to drive safely and is not a significant risk of having such a problem in the foreseeable future.

Under the bill, a physician no longer needs to find that an individual is not a significant risk of having an addiction problem in the foreseeable future. The bill also allows licensed physician assistants and advanced practice registered nurses to determine, based on a personal exam, that an individual does not have a current addiction problem affecting his or her ability to drive safely. As with licensed physicians, the physician assistants and nurses are not required to also find that an individual does not pose a significant risk of having an addiction problem in the foreseeable future.

EFFECTIVE DATE: July 1, 2011

§ 41 — SPECIAL OPERATOR'S PERMIT

A special operator's permit allows a person whose license has been suspended to drive only for the limited purposes of going to and from (1) work or (2) an accredited higher education institution. Current law allows the commissioner to condition issuance of a special permit to drive to work on the driver operating only a vehicle equipped with an ignition interlock device. The bill also allows her to impose this condition when she issues a special permit for educational purposes.

EFFECTIVE DATE: July 1, 2011

§ 42 — SCHOOL BUSES BARRED FROM DRIVING IN EXTREME LEFT LANE

The bill prohibits school buses from driving in the extreme left lane of a divided limited access highway with more than two lanes for traffic traveling in the same direction. Current law prohibits commercial motor vehicles, motor buses, and vehicles with trailers from using this lane. As with these other vehicles, a school bus may drive in the extreme left lane at a police officer's direction or when access to or from the highway is on the left. In these cases, the school bus driver can drive in the extreme left lane for as long as reasonably necessary to enter or leave the highway safely. A violation is an infraction, punishable by an \$88 fine.

EFFECTIVE DATE: July 1, 2011

§ 43 — LICENSE PLATES FOR PEOPLE WITH DISABILITIES

Starting October 1, 2011, the bill eliminates the commissioner's ability to issue special license plates for those people eligible for handicapped placards, except for these individuals with motorcycles. But it allows the commissioner to accept renewal applications for plates issued before that date. The commissioner must still issue removable windshield placards for these individuals. An eligible individual with a motorcycle registration may also obtain a removable windshield placard.

EFFECTIVE Date: October 1, 2011

§ 44 — WEIGHT RESTRICTIONS FOR COMMERCIAL VEHICLES

The bill changes the weight restrictions for two-axle commercial motor vehicles and eliminates weight distinctions for commercial vehicles based on whether they have solid or pneumatic tires.

Under current law, a vehicle and its load may not exceed the manufacturer's axle weight rating, its gross vehicle weight rating, or specific gross weight limits. The bill specifies that the vehicle and its load cannot exceed the lesser of the manufacturer's axle weight rating, the manufacturer's gross vehicle weight rating, or specified axle and

gross weight limits.

It specifies that no two-axle vehicle may exceed a maximum gross vehicle weight of 36,000 pounds. Current law limits two-axle vehicles with pneumatic tires to a gross weight of 32,000 pounds.

The bill also requires that no two-axle commercial vehicle exceed a weight of 22,400 pounds per axle, or in the case of axles spaced less than six feet apart, 18,000 pounds per axle. But it retains a weight limit of 18,000 pounds per axle for these vehicles, regardless of the distance between axles. Thus, it is not clear which axle weight limit applies. The bill also makes technical changes.

EFFECTIVE DATE: July 1, 2011

§ 45 — SCHOOL BUS DRIVERS WITH SUSPENDED LICENSES

By law, the DMV commissioner must report at least twice monthly to school boards and school bus operators on school bus and student transportation vehicle drivers whose license or school bus or student transportation vehicle endorsement has been suspended, revoked, or withdrawn. The boards and operators must review these reports. Under current law, the school board or school bus operator has 10 days from reviewing such a report to remove a driver whose license or endorsement has been suspended, revoked, or withdrawn. The bill instead requires the board or operator to remove the driver within 48 hours of reviewing the report. By law, violators are subject to a civil penalty of \$2,500 for the first violation and \$5,000 for each subsequent violation.

EFFECTIVE DATE: July 1, 2011

§ 46 — SCHOOL BUS SIGNS AND SIGNALS

The bill eliminates a requirement that school buses used for an activity other than carrying children cover any lettering identifying the bus. By law, unchanged by the bill, a school bus that is not carrying children, must not use, or must disconnect, any special signals it uses when transporting children.

Current law allows student transportation vehicles to display certain signs when, among other things, they carry only children, and anyone in charge of the children, to any non-school activity. Under the bill, these vehicles cannot display these signs if they are carrying anyone (presumably an adult) in charge of the children. It specifies that these legally required or permitted portable signs must be removed or covered when a vehicle is not being used for the purposes requiring or allowing them.

EFFECTIVE DATE: July 1, 2011

§ 47 — COMMERCIAL VEHICLE INSPECTIONS

The bill bars any person or motor carrier from operating a commercial motor vehicle or combination of such vehicles in Connecticut unless the vehicle has had a federally required periodic inspection in the previous 12 months. It prohibits any person, motor carrier dealer, or repairer from conducting such an inspection in any manner other than that prescribed in federal regulations. Anyone who violates these provisions is guilty of an infraction for a first offense, and may face a civil penalty for subsequent offenses of between \$1,000 and \$10,000.

Any dealer, repairer, motor carrier, or other person who makes a false statement regarding the inspection or condition of any vehicle or component he or she is required to inspect, or regarding the repair or repairs he or she made on any such vehicle or component, faces a (1) fine of up to \$1,000, up to 90 days in prison, or both, for a first offense, and a fine of at least \$2,000, up to one year in prison, or both, for subsequent offenses, and (2) civil penalty of between \$1,000 and \$10,000. Such violators also may be subject to the penalties for 2nd degree false statement: a fine of up to \$2,000, up to one year in prison, or both.

EFFECTIVE DATE: July 1, 2011

§ 48 — REGISTERING A VESSEL

The bill requires that an owner seeking to get a vessel registration

number or decal must file with the DMV commissioner proof of ownership that she may require, rather than an affidavit or document proving ownership.

EFFECTIVE DATE: July 1, 2011

§ 49 — RENEWAL OF VESSEL REGISTRATION

By law, each vessel certificate of number or certificate of registration expires on April 30 of the year after it is issued. The commissioner must notify the owner of the expiration at least 30 days before the expiration date. The bill allows, rather than requires, the commissioner to notify vessel owners, in a manner she chooses, when their certificate of number or certificate of registration is going to expire. If she does notify them, she must do at least 30 days before the expiration date, as under current law. Under the bill, the commissioner will not notify a vessel owner if the U.S. Postal Service has determined it cannot deliver mail to the address in DMV's records.

EFFECTIVE DATE: July 1, 2011

§ 50 — JUNK DEALER REGISTRATION

The bill eliminates a requirement that junk dealers register with DMV and receive and display a DMV certificate.

EFFECTIVE DATE: July 1, 2011

§ 51 — CARRY PERMITS FOR DMV INSPECTORS

The bill exempts legally appointed and certified DMV inspectors from the need to obtain a permit to carry a pistol or revolver in the course of their official duties. The law already exempts parole and peace officers, federal marshals, and others from this requirement.

EFFECTIVE DATE: July 1, 2011

§ 52 — DISCOUNT PREMIUMS FOR MOTORCYCLE OPERATORS

The law requires insurers to offer discount premiums to any motorcycle operators who prove they successfully completed a DOT motorcycle course. The bill requires insurers to also offer the premium

to motorcycle operators who offer proof of successfully completing a motorcycle course offered by anyone else DMV approves.

EFFECTIVE DATE: Upon passage

§ 53 — BODY ARMOR SALES

The law requires anyone selling or delivering body armor in the state to meet personally with the buyer or recipient when the delivery or sale takes place. Current law exempts police officers and certain others from this requirement. The bill also exempts sworn members or authorized officials of DMV and authorized town or state administrative services officials who buy body armor on behalf of DMV.

EFFECTIVE DATE: July 1, 2011

§ 54 — DMV PRIVATIZATION STUDY

The bill requires the DMV commissioner to study alternatives for the performance of certain DMV functions, such as privatization, on-line services, and off-site location, for renewal of non-commercial driver's licenses and registrations. She must report her findings and recommendations to the Transportation Committee by January 11, 2012.

EFFECTIVE DATE: Upon passage

§§ 55-57 — CHANGES IN THE CELL PHONE LAW

The bill increases certain fines for using a cell phone or texting while driving and applies them to other distracted driving violations. It specifies that texting while driving a commercial motor vehicle is a violation and adds it to those offenses whose violation can lead to disqualification from operating a commercial motor vehicle. But it allows texting from these vehicles in an emergency.

By law, certain offenses are considered "serious traffic violations," a conviction of two or more of which can disqualify a CDL holder from operating a commercial motor vehicle for specified periods of time. The bill eliminates a provision making an accident resulting in a death

related to the operation of a commercial motor vehicle a serious traffic violation. The bill eliminates this provision. It instead requires, for a serious traffic violation to occur, that the commercial vehicle driver must have violated a law concerning the rules of the road, resulting in another person's death.

The bill makes texting while operating a commercial motor vehicle a "serious traffic violation." But it allows these drivers to type, read, or send text or a text message from a mobile phone or mobile electronic device to the following in an emergency:

1. emergency response operator;
2. hospital, physician's office, or health clinic;
3. ambulance company;
4. fire department; or
5. police department.

Fines

The bill increases the fines for second and subsequent offenses for using a cell phone or texting while driving, as shown in the table below:

Table 1: Fines for Illegally Using or Texting from a Cell Phone While Driving

<i>Offense</i>	<i>Current Law</i>	<i>Under the Bill</i>
First	\$100	\$100
Second	\$150	\$250
Subsequent	\$200	\$400

Current law imposes maximum \$100 fines, regardless of the number of offenses, for anyone driving while using a hand-held or hands-free cell phone or mobile electronic device who (1) is operating a moving school bus carrying passengers or (2) is under age 18. The bill eliminates these exemptions, subjecting these people to the above

finer. It also applies these fines to drivers who text while driving a commercial motor vehicle or engage in distracted driving.

Current law also imposes a \$100 fine on a driver who commits a moving violation, such as speeding or reckless driving, while engaged in distracted driving. The \$100 fine is in addition to any fine imposed for the moving violation. The bill imposes the above fines on these offenders and applies them to individuals charged with illegally using or texting on a cell phone, including drivers (1) of commercial motor vehicles; (2) of school buses carrying passengers; and (3) under age 18, who commit a moving violation. The additional fines for second and subsequent violations would apparently apply to the second and subsequent times a person commits a moving violation while illegally using or texting on a cell phone or otherwise engaged in distracted driving.

Current law requires law enforcement officers who issue tickets for cell phone, texting, or moving violations to record the specific nature of the distracted driving behavior the officer saw that led to the issuance of the ticket. The bill instead requires the officer to record on the summons the nature of any distracted driving behavior he observed in connection with any violation of the bill, including distracted driving and commercial motor vehicle texting violations.

EFFECTIVE DATE: Upon passage, except a conforming change is effective July 1, 2011

§ 58 — MULTIPLE MOVING VIOLATIONS

By law, DMV can require a driver who commits a certain number of specific moving or suspension violations to attend a four-hour driver retraining program. There is no limit on the number of times an individual can take the program. A driver who continues to commit violations that put him or her over the statutory limit must repeat the program; the state generally cannot suspend a driver's license solely for continuing to commit these types of offenses.

Under the bill anyone required to attend the retraining program

must have the requirement and completion date posted on his or her driving record. The date of course completion must remain on the record until the driver has completed 36 consecutive months without any subsequent moving or suspension violations. If the driver commits such a violation before the 36 months expire, the commissioner must suspend his license for 30 days. If he or she commits a second violation within the 36-month period, the commissioner must suspend his or her license for 60 days. The commissioner must suspend the license for 90 days for each subsequent conviction within the 36-month period.

EFFECTIVE DATE: October 1, 2011

§ 59 — INCREASING CERTAIN PAYMENTS TO TOWNS

The bill increases, from \$10 to \$15, the fee paid in addition to the fine by people who violate certain motor vehicle laws and regulations, including speeding, traveling unreasonably fast, reckless driving, and DUI. By law, the state must remit this money to the municipalities in which the violations occurred.

EFFECTIVE DATE: July 1, 2011

§ 60 — REPEAL OF MOTOR VEHICLE THEFT TASK FORCE

The bill repeals a motor vehicle theft task force that was to report on the problem of motor vehicle theft to the legislature by January 1, 1986.

EFFECTIVE Date: Upon passage

BACKGROUND

Out-of- Service Order

An out-of-service order is an order (1) issued by a police officer, state policeman, or motor vehicle inspector under the authority of CGS § 14-8, or by an authorized official of the U.S. Federal Motor Carrier Safety Administration (FMCSA), to prohibit a commercial motor vehicle from being operated on any highway or to prohibit a driver from operating a commercial motor vehicle or (2) issued by FMCSA to prohibit a motor carrier, as defined in 49 CFR 386.2, from engaging in commercial motor vehicle operations (CGS § 14-1(62)).

COMMITTEE ACTION

Transportation Committee

Joint Favorable Substitute

Yea 36 Nay 0 (03/18/2011)